

Appl. No. 10/660,543  
Amdt. Dated March 21, 2005  
Reply to Office action dated February 16, 2005

#### REMARKS/ARGUMENTS

Claims 1-17 remain in this application for consideration. The two independent claims, Claims 1 and 17, are amended better to distinguish the applicant's invention defined in those claims over the newly cited prior art to Stenger et al, as discussed in greater detail below.

In response to the Examiner's requirement for an election of species, applicant provisionally elects for prosecution the species of Fig. 1. Claims 1-5, 8-13, 16 and 17 read on the elected species. Applicant notes the Examiner's statement that the independent claims, Claims 1 and 17, "appear to be generic."

The applicant's invention, as defined with greater specificity in amended claims 1 and 17, includes an electrically member that is movable along a path by an amount representative of the movement and position of the object whose relative position is to be determined. A plurality of spaced and insulated electrical contacts are arranged along this path. As the member moves along the path it comes into electrical contact with one of these contacts. In accordance with the invention, each of the contacts is respectively operatively connected to one of a corresponding plurality of memory locations or addresses of a memory.

As now more specifically defined in amended claims 1 and 17, a preset position data is stored in each of these memory locations, that data being unique to each memory location. That is, the position data stored in each memory location corresponds uniquely to the position of the contact to which it is respectively connected. There is in applicant's apparatus, as now claimed herein, a one-to-one, unique relationship between the individual preset position data stored respectively in the memory locations and the individual contacts to which the data-storing memory locations are respectively connected. Only the position data stored in the memory location connected to the contact then engaged by the movable member is then applied to an output device. The information displayed on the output device is the position data stored in that memory location and is thus represents the relative position of the object in question.

The Examiner has again rejected the claims for anticipation, this time by the Stegner et al reference. Once again, applicant submits that there are

significant distinctions between applicant's claimed invention and the apparatus disclosed in Stegner et al who disclose a golf putting aid that includes a level detector which measures the slope of a golf green at at least two locations and generates electrical signals representing the measured slope at each of these locations. To this end, the Stegner et al golf putting aid includes, as shown in Fig. 4, a level detector 112 that includes a chamber 113 having a curved interior surface 114 along which a steel ball 115 can roll until it comes to a rest at a position that corresponds to the slope being measured. Chamber 113 includes electrical contacts 116 divided into groups 116a and 116b that connect to a microprocessor 110. The paired contact pairs 116a and 116b are coupled to a common input port 120a through 120h of the microprocessor.

Microprocessor 110 applies a high voltage to every one of the electrical contacts while monitoring the voltage at each of the other electrical contacts. By sensing the presence of a high voltage at one of the terminals 120 the microprocessor can determine the location of the ball relative to the contacts and thus to the track. The microprocessor determines if the ball has come to a rest by monitoring the voltage levels at terminals 120a through 120h and determining that the same input port has maintained a high voltage level for a predetermined time period. The microprocessor is programmed to determine the track at which the ball has come to rest, and then by access to a look-up table correlates that track number to the measured slope angle.

What is lacking in Stegner et al, as it was in the previously cited Jacobsen et al reference, is the inclusion in the applicant's measuring apparatus of a memory that contains at each of a plurality of addresses or memory locations different stored measurement data each of which bears a unique one-to-one relationship with the one of a corresponding plurality of contacts to which those memory locations are respectively connected. When one of these contacts is contacted by the movable member, it applies a control voltage that causes only the position data uniquely associated with that one contact to be read out to an output display device as an indication of the position of the movable member.

Thus, while there may be a superficial similarity between applicant's claimed apparatus and that disclosed in Stegner et al., there is a distinction between them, in the difference between applicant's plurality of memory locations each storing a different position data and each respectively connected to one of the contacts so that only the position data stored in the memory location then connected to the contact in engagement with the movable member is read out, and Stegner et al.'s look-up table that applies a slope measurement in response to a sensed voltage derived from a member coming to rest in contact with one of the contacts. It is submitted that this distinction is not one that would have been obvious from Stegner et al. and is thus patentable.

Based on the foregoing, it is submitted that the present amendment to the claims is proper after Final Rejection since it was required by the Examiner's

citation of a new reference, and that the claims as herein amended are allowable. In the alternative, the entry of this amendment is respectfully requested to place the claims in better condition for appeal should that become necessary.

Respectfully submitted.



---

Marvin N. Gordon  
Attorney for Applicant  
Reg. No. 23,094  
277 West End Avenue  
New York, NY 10023  
Tel and Fax: (212) 362-2702

Dated: March 21, 2005